

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

HARVARD PILGRIM HEALTH CARE, INC.,)	
HPHC INSURANCE COMPANY, INC., AND)	
HARVARD PILGRIM HEALTH CARE OF)	
NEW ENGLAND, INC.,)	Case No. 18-1820C
)	Senior Judge Loren Smith
Plaintiffs,)	
)	
v.)	
)	
THE UNITED STATES,)	
)	
Defendant.)	

JOINT STATUS REPORT

Pursuant to the Court’s October 26 order (ECF No. 48), the parties respectfully submit this joint status report to request that the Court continue the stay in these proceedings.

This case is currently stayed because the Government is working with a number of cost-sharing reduction (“CSR”) Plaintiffs to determine whether they may efficiently resolve this and other pending CSR matters without further litigation or at least streamline these cases.

The parties believe that the current continued stay in this case will provide more time for the parties to continue their discussions about resolving the damages amounts owed by the Government in the pending CSR cases, including this one, for benefit years 2018 and beyond without further litigation. On April 28, 2022, the Government provided its substantive response to the CSR Plaintiffs’ proposed settlement methodology for CSR damages owed for benefit years 2018 and beyond. On May 20, 2022, counsel for the Government and for a number of CSR Plaintiffs, including this case, participated in a teleconference with actuaries to discuss the proposed settlement methodology and to share relevant data. On May 23, 2022, CSR Plaintiffs responded to the Government’s April 28, 2022 letter. Thereafter, the parties have convened by

phone multiple times, and the Government produced certain settlement-related data and other information to the CSR Plaintiffs on July 22, 2022, which the parties hope will continue to advance our settlement discussions. Most recently, the parties participated in a settlement-related call on September 1, 2022, and the CSR Plaintiffs followed that call with a letter to the Government on September 15, 2022. The Government responded to the CSR Plaintiffs' letter on November 10, 2022. The complexity of the CSR cases and the number of interested stakeholders necessitate that the parties be afforded additional time to pursue this mutual attempt to resolve the damages issues in this case without further litigation. Good cause therefore exists to continue the stay in this case for CSRs due to Plaintiffs for benefit years 2018 and beyond.

Accordingly, the parties jointly request that the Court continue the stay in this case, and the parties will file a Joint Status Report by Tuesday, January 17 to update the Court on the status of their efforts to fully resolve this matter.

December 1, 2022

/s/ Stephen McBrady
Stephen McBrady
CROWELL & MORING LLP
1001 Pennsylvania Avenue, NW Washington, DC
20004
Telephone: (202) 624-2500
Facsimile: (202) 628-5116
SMcBrady@crowell.com

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

PATRICIA M. McCARTHY
Director

s/ Claudia Burke
CLAUDIA BURKE
Assistant Director

s/ Albert S. Iarossi
Senior Trial Counsel
Commercial Litigation Branch
Civil Division
U.S. Department of Justice
P.O. Box 480

OF COUNSEL:

Charles Baek

CROWELL & MORING LLP
1001 Pennsylvania Avenue, NW
Washington, DC 20004

Counsel for Plaintiff

Ben Franklin Station
Washington, DC 20044
Telephone: (202) 307-3390
Email: albert.s.iarossi@usdoj.gov

OF COUNSEL:

DAVID M. KERR
Trial Attorney

Civil Division
U.S. Department of Justice

Counsel for Defendant